



January 18, 2002

SENATE BILL No. 327

DIGEST OF SB 327 (Updated January 16, 2002 6:24 PM - DI 106)

Citations Affected: IC 35-45; noncode.

Synopsis: Illegal Internet gambling sites. Provides that a person who knowingly operates an Internet server that provides illegal gambling or bookmaking commits a Class D felony.

Effective: July 1, 2002.

Ford

January 8, 2002, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
January 17, 2002, amended, reported favorably — Do Pass.

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SB 327—LS 7198/DI 105+



January 18, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 327

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-45-5-4.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]: **Sec. 4.5. (a) A prosecuting attorney or the attorney**
4 **general may send written notice to a person who operates an**
5 **Internet server that provides gambling or bookmaking in violation**
6 **of this chapter. The notice must:**

7 (1) **specify the illegal gambling or bookmaking activity;**

8 (2) **state that the operator has not more than thirty (30) days**
9 **from the date notice is received to remove or block the illegal**
10 **gambling or bookmaking activity; and**

11 (3) **state that failure to comply with subdivision (2) may result**
12 **in the filing of criminal charges against the person.**

13 **The attorney general shall maintain a depository for the purpose**
14 **of collecting, maintaining, and retaining each notice sent out under**
15 **this section. A prosecuting attorney who sends a notice under this**
16 **section shall forward the notice to the attorney general for deposit.**

17 **(b) The manner of service of a notice under subsection (a) shall**

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be:

(1) in compliance with:

(A) Rule 4.1 of the Indiana Rules of Trial Procedure;

(B) Rule 4.4 of the Indiana Rules of Trial Procedure;

(C) Rule 4.6 of the Indiana Rules of Trial Procedure; or

(D) Rule 4.7 of the Indiana Rules of Trial Procedure; or

(2) by publication in compliance with Rule 4.13 of the Indiana Rules of Trial Procedure if service cannot be made under subdivision (1) after a diligent search for the operator of the Internet server.

(c) A notice mailed under subsection (a):

(1) is admissible in a criminal proceeding under this section; and

(2) constitutes prima facie evidence that the operator had knowledge that illegal gambling or bookmaking was provided on the Internet server.

(d) A person who knowingly operates an Internet server that provides gambling or bookmaking in violation of this chapter commits a Class D felony.

(e) A person outside Indiana who transmits information on a computer network (as defined in IC 35-43-2-3) and who knows or should know that the information will be disseminated in Indiana submits to the jurisdiction of Indiana courts for prosecution under this section.

SECTION 2. [EFFECTIVE JULY 1, 2002] IC 35-45-5-4.5, as added by this act, applies to crimes committed after June 30, 2002.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 327, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15.

Page 2, line 2, delete "the last known address of".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"(b) The manner of service of a notice under subsection (a) shall be:

(1) in compliance with:

(A) Rule 4.1 of the Indiana Rules of Trial Procedure;

(B) Rule 4.4 of the Indiana Rules of Trial Procedure;

(C) Rule 4.6 of the Indiana Rules of Trial Procedure; or

(D) Rule 4.7 of the Indiana Rules of Trial Procedure; or

(2) by publication in compliance with Rule 4.13 of the Indiana Rules of Trial Procedure if service cannot be made under subdivision (1) after a diligent search for the operator of the Internet server."

Page 2, line 15, delete "(b)" and insert "(c)".

Page 2, line 21, delete "(c)" and insert "(d)".

Page 2, line 24, delete "(d)" and insert "(e)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 327 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 1.

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